

Jun-20-07 16:06

From-KILPATRICK STOCKTON LLP

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JUN 20 2007



Attorneys at Law

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Angela M. Rossi

¹⁰

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2298

50642/335252

REFERENCE NO

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COMMENTS

Re: U.S. Patent Application Serial No. 10/594,049
Our Ref. No. 50642/335252

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 50642/335252
INTERNATIONAL APPLICATION NO. PCT/US2005/012566	INTERNATIONAL FILING DATE 14 April 2005 (14.04.2005)	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/594,049
TITLE OF INVENTION QUICK DISCONNECT AND REPOSITIONABLE REFERENCE FRAME FOR COMPUTER ASSISTED SURGERY		RECEIVED CENTRAL FAX CENTER
APPLICANT(S) FOR DO/EO/US STALLINGS, Jody; TERRILL-GRISONI, Lauralan; RABURN, Kevin		JUN 20 2007
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the Inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> International Preliminary Report on Patentability</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/594,049	INTERNATIONAL APPLICATION NO. PCT/US2005/012566	ATTORNEY'S DOCKET NUMBER 50542/335252																																																																																																				
<p>20. Other items or information: <input checked="" type="checkbox"/> I hereby certify that this document is being transmitted by facsimile to the U.S. Patent and Trademark Office on this 20th day of June 2007 <i>Angela M. Rossi</i> Angela M. Rossi</p>																																																																																																						
<p>The following fees are submitted:</p> <table border="1"> <tr> <td>21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....</td> <td>\$300</td> <td>CALCULATIONS</td> <td>PTO USE ONLY</td> </tr> <tr> <td>22. <input checked="" type="checkbox"/> Examination Fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US to the international preliminary examination report prepared By IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....</td> <td>\$0</td> <td>\$</td> <td>RECEIVED</td> </tr> <tr> <td>All other situations</td> <td>\$200</td> <td></td> <td>CENTRAL FAX CENTER</td> </tr> <tr> <td>23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion prepared by ISA/US to the international preliminary examination report prepared By IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....</td> <td>\$0</td> <td>\$</td> <td>JUN 20 2007</td> </tr> <tr> <td>Search fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as an International Searching Authority</td> <td>\$100</td> <td></td> <td></td> </tr> <tr> <td>International Search Report prepared by an ISA other than the US and provided in the Office or previously communicated to the US by the IB.....</td> <td>\$400</td> <td></td> <td></td> </tr> <tr> <td>All other situations</td> <td>\$500</td> <td></td> <td></td> </tr> <tr> <td colspan="2">TOTAL OF 21, 22 and 23 =</td> <td>\$.00</td> <td></td> </tr> <tr> <td colspan="3"> <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821 (c) or (e) computer program listing filed in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. </td> <td></td> </tr> <tr> <td>Total Sheets</td> <td>Extra sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> </tr> <tr> <td>- 100 =</td> <td>0/50 =</td> <td></td> <td>x \$250 \$ 0</td> </tr> <tr> <td colspan="3">Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> <td>\$0.00</td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> </tr> <tr> <td>Total claims</td> <td>16 - 20 =</td> <td>0</td> <td>x \$50 \$.00</td> </tr> <tr> <td>Independent claims</td> <td>08 - 3 =</td> <td>03</td> <td>x \$200 \$.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$360 \$.00</td> </tr> <tr> <td colspan="3">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$0.00</td> </tr> <tr> <td colspan="3"> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½. </td> <td>\$0.00</td> </tr> <tr> <td colspan="3">SUBTOTAL =</td> <td>\$0.00</td> </tr> <tr> <td colspan="3">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td>+ \$0.00</td> </tr> <tr> <td colspan="3">TOTAL NATIONAL FEE =</td> <td>\$0.00</td> </tr> <tr> <td colspan="3">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</td> <td>+ \$0.00</td> </tr> <tr> <td colspan="3">TOTAL FEES ENCLOSED =</td> <td>\$0.00</td> </tr> <tr> <td colspan="3"></td> <td>Amount to be refunded: \$</td> </tr> <tr> <td colspan="3"></td> <td>Amount to be charged: \$0.00 \$</td> </tr> </table>			21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....	\$300	CALCULATIONS	PTO USE ONLY	22. <input checked="" type="checkbox"/> Examination Fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US to the international preliminary examination report prepared By IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$0	\$	RECEIVED	All other situations	\$200		CENTRAL FAX CENTER	23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion prepared by ISA/US to the international preliminary examination report prepared By IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$0	\$	JUN 20 2007	Search fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as an International Searching Authority	\$100			International Search Report prepared by an ISA other than the US and provided in the Office or previously communicated to the US by the IB.....	\$400			All other situations	\$500			TOTAL OF 21, 22 and 23 =		\$.00		<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821 (c) or (e) computer program listing filed in an electronic medium) (37 CFR 1.492(j)). 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NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.37(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

John S. Pratt, Esq.

Kilpatrick Stockton LLP

1100 Peachtree Street, Suite 2800

Atlanta, Georgia 30309-4530



SIGNATURE

Leroy M. Toliver

NAME

50,409

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/594,049	Jody Stallings	50642/335252
SMITH & NEPHEW INC.		INTERNATIONAL APPLICATION NO.
		PCT/US05/12566
30559 CHIEF PATENT COUNSEL SMITH & NEPHEW, INC. 1450 BROOKS ROAD MEMPHIS, TN 38116	2007 A. FILING DATE	PRIORITY DATE
	2007	04/14/2005
	2007	04/15/2004
CONFIRMATION NO. 8962		
371 FORMALITIES LETTER		
 OC000000023803965		

Date Mailed: 05/11/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/25/2006
- Copy of the International Search Report filed on 09/25/2006
- Preliminary Amendments filed on 09/25/2006
- Information Disclosure Statements filed on 02/05/2007
- Oath or Declaration filed on 09/25/2006
- U.S. Basic National Fees filed on 09/25/2006
- Priority Documents filed on 09/25/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

KS Docketing

Docketed for: 611101
Entered on: 5/11/07

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If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/594,049	PCT/US05/12566	50642/335252

FORM PCT/DO/EO/905 (371 Formalities Notice)